

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION**

**In re: Anthony Lee Williamson
Joyce Ann Williamson
Debtors**

Case No. 13-50041-SCS

Chapter 7

**Sarah M. Williamson)
By Temesia Williamson)
Donnelly, her Attorney-in-fact)

Plaintiff)

v.)

Anthony Lee Williamson)

AND)

Joyce Ann Williamson,)
Defendants)

And)

David R. Ruby, Bankruptcy Trustee)**

Adv. Pro. No. 13-05009-SCS

NOTICE OF MOTION

The above named Defendant, by counsel, has filed a Motion to Dismiss Complaint. Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one.

If you want to be heard on this matter, then not later than seven (7) days before the date of the hearing, you or your attorney must:

Barry W. Spear (VSB #39152)
Sarah R. Clarson (VSB #78953)
Boleman Law Firm, P.C.
272 Bendix Rd., Suite 130
Virginia Beach, VA 23452
(757)313-3000
Counsel for Debtors/Defendants

1. File with the court, at the address below, a written response pursuant to Local Rule 9013-1(H). If you mail your response to the Court for filing, you must mail it early enough so that the Court will **receive** it on or before the date stated above

Clerk of Court
United States Bankruptcy Court
701 E. Broad Street, Room 4000
Richmond, VA 23219-3515

2. You must also mail a copy to:

Boleman Law Firm, P.C.
272 Bendix Rd., Suite 130
Virginia Beach, VA 23452

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an Order granting that relief.

You will receive hearing date by a separate notice.

ANTHONY LEE AND JOYCE ANN
WILLIAMSON
By Counsel:

/s/ Barry W. Spear
Sarah R. Clarson (VSB #78953)
Boleman Law Firm, P.C.
272 Bendix Rd., Suite 130
Virginia Beach, VA 23452
(757)313-3000
Counsel for Debtors/Defendants

CERTIFICATE OF SERVICE

I certify that on May 17, 2013, a copy of the foregoing was served via ECF to David R. Ruby, Chapter 7 Trustee, and the United States Trustee; and served via first class mail to at the address set forth below.

Robert M. Brown, Jr.
10231 Warwick Blvd., Suite 200
Newport News, VA 23601

/s/ Barry W. Spear
Counsel for Debtor/Defendants

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION**

**In re: Anthony Lee Williamson
Joyce Ann Williamson
Debtors**

Case No. 13-50041-SCS

Chapter 7

**Sarah M. Williamson)
By Temesia Williamson)
Donnelly, her Attorney-in-fact)
Plaintiff)
v.)
Anthony Lee Williamson)
Fka Anthony Lowell)
Williamson)
AND)
Joyce Ann Williamson,)
Defendants and)
David R. Ruby, Bankruptcy Trustee)**

Adv. Pro. No. 13-05009-SCS

MOTION TO DISMISS PLAINTIFF'S COMPLAINT

COMES NOW the Defendants, ANTHONY L. WILLIAMSON AND JOYCE A. WILLIAMSON (the "Defendants"), by counsel, pursuant to Federal Rule of Bankruptcy Procedure 7012(b) and Fed. R. Civ. P. 12(b)(4) and 12(b)(5) and submits this Motion to Dismiss Plaintiff's Complaint. In support thereof, the Defendants state the following:

Barry W. Spear (VSB #39152)
Sarah R. Clarson (VSB #78953)
Boleman Law Firm, P.C.
272 Bendix Rd., Suite 130
Virginia Beach, VA 23452
Telephone (757)313-3000
Counsel for Debtors/Defendants

1. On April 16, 2013, Plaintiff filed a complaint ("the Complaint") objecting to the discharge of a State Court judgment awarded in favor of the Plaintiff.

2. On April 19, 2013, the Court issued a summons to the Plaintiff.

3. Pursuant to Local Rule 7004-2(A) and (B), the summons must be served on each party listed in the adversary proceeding within fourteen (14) days of the date of issuance.

4. The Plaintiff has not filed a certificate of service with the Court, and, to date, the Defendants have not received a copy of the summons by any form of service under Fed. R. Civ. P. 7004.

5. Therefore, Plaintiff's Complaint should be dismissed pursuant to Fed. R. Civ. P. 12(b)(4) for insufficiency of process and Fed. R. Civ. P. 12(b)(5).

6. Pursuant to Bankruptcy Rule 7012(a), a responsive pleading must be filed within 30 days of the issuance of the summons. This Motion to Dismiss is timely filed.

WHEREFORE, the Defendants respectfully pray that this Court:

A. Dismiss the Plaintiff's Complaint;

B. Award Defendants such other and further relief as is just.

Anthony Lee Williamson and Joyce Ann Williamson

By: /s/ Barry W. Spear

Barry W. Spear (VSB #39152)
Sarah R. Clarson (VSB #78953)
Boleman Law Firm, P.C.
272 Bendix Rd., Suite 130
Virginia Beach, VA 23452
Telephone (804) 358-9900
Counsel for Debtor/Defendants

CERTIFICATE OF SERVICE

I certify that on May 17, 2013, a copy of the foregoing was served via ECF to David R. Ruby, Chapter 7 Trustee, and the United States Trustee; and served via first class mail to at the address set forth below.

Robert M. Brown, Jr.
10231 Warwick Blvd., Suite 200
Newport News, VA 23601

/s/ Barry W. Spear
Counsel for Debtor/Defendants